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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT TACOMA

8 GERALDINE M. McHUGH,

9 Plaintiff,

10 v.

11 CITY OF TACOMA, et al.,

12 Defendants.  
13

CASE NO. C10-5450BHS

ORDER GRANTING  
DEFENDANTS' MOTION FOR  
SUMMARY JUDGMENT

14 This matter comes before the Court on Defendants' motion for summary  
15 judgment. Dkt. 27. Defendants' motion seeks summary judgment and dismissal of all of  
16 Plaintiff Geraldine M. McHugh's ("McHugh") remaining claims alleged in her  
17 complaint. *Id.* McHugh has failed to file a response to the motion.

18 A motion for summary judgment should not be granted simply because there is no  
19 opposition, even if the failure to oppose violated a local rule. *See Henry v. Gill Indus.*,  
20 983 F.2d 943, 950 (9th Cir. 1993). Rather, the moving party must demonstrate the  
21 absence of genuine issues of material fact, regardless of whether the party against whom  
22

1 the motion for summary judgment is directed has filed any opposition. *See Cristobal v.*  
2 *Siegel*, 26 F.3d 1488, 1491 (9th Cir. 1994).

3 Here, Defendants have demonstrated the absence of genuine issues of material fact  
4 and McHugh has failed to file an opposition. Accordingly, the Court concludes that  
5 Defendants' motion for summary judgment should be granted.

6 The Court, having considered the pleadings filed in support of the motion and the  
7 remainder of the file, does hereby find and **ORDER** that Defendants' motion for  
8 summary judgment (Dkt. 27) is **GRANTED** and the claims alleged in McHugh's  
9 complaint are **DISMISSED with prejudice**.

10 Dated this 23rd day of September, 2011.

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13 BENJAMIN H. SETTLE  
14 United States District Judge  
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